

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 16, 2007

EXECUTIVE SESSION HELD IN THE ADMINISTRATIVE CONFERENCE ROOM AT 6:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Councilors Mendros, O'Brien, Jean, Samson, Paradis, City Administrator James Bennett, and Deputy City Clerk Kelly J. Mercier.

The City Council meeting was called to order by Mayor Gilbert at 6:03 pm in a public session.

VOTE (291-2007)

Motion by Councilor Samson, seconded by Councilor O'Brien:

To enter into an executive session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Union Negotiations regarding the American Federation of State, County and Municipal Employees (AFSCME Council #93), on behalf of the Lewiston Professional Technical Unit and the Maine Association of Police. Passed - Vote 5-0

Executive Session began at 6:05 pm and ended at 6:48 pm.

Councilors Bernier and Rousseau arrived at this time.

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and Deputy City Clerk Kelly J. Mercier.

Pledge of Allegiance to the Flag.

Moment of Silence.

YADA PRESENTATION

Athena Andoniades and Filsan Hirsi of the Lewiston Youth Advisory Council briefed the council on about the YADA (Youth +Adult +Dialogue = Action) meetings. They explained what took place and what is expected of the group. The group is looking to be very diverse and is eager to have more members. They both handed out YADA T-shirts to the Mayor and Councilors.

PROCLAMATION TO PROCLAIM OCTOBER 2007 AS NATIONAL ARTS & HUMANITIES MONTH

Mayor Gilbert read the proclamation and presented signed copies to the following organizations: Andrew Harris, Executive Director of LA Arts, Jim Parakilas Professor of Music from Olin Arts Center, Doreen Traynor, Executive Director of the Community Little Theatre, Robert Grieshaber, Board Member and John Corrie, Artistic Director of the Maine Music Society, Robbi Starnegg, Artistic Director of the King's Bridge Theatre, Cindy Larock, Cultural Center Coordinator for the Marsden Hartley Cultural Center, Brian S. Hodges, President of the Auburn Community Band, Rita Dube, Executive Director of the Franco-American Heritage Center, and Kathy Gleason, Board Member of The Public Theatre.

VOTE (292-2007)

Motion by Councilor Jean, seconded by Councilor O'Brien:

To dispense with the reading of the minutes of the October 2, 2007, meeting and to accept and place them on file as prepared by the Deputy City Clerk. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**VOTE (293-2007)**

Motion by Councilor Jean, seconded by Councilor O'Brien:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of 11.43% percent of \$12,500, less administrative fees or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Victor Rivera-Cobian, CE-07-0019, Exhibit N-10. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank. Passed - Vote 7-0

**ELECTION WARRANT CALLING FOR THE MUNICIPAL ELECTION AND
RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERS ON
ACTIONS NECESSARY TO CONDUCT THE MUNICIPAL CANDIDATE
AND STATE REFERENDUM ELECTION**

VOTE (294-2007)

Motion by Councilor Jean, seconded by Councilor O'Brien:

Be It Ordered by the City Council that the Election Warrant be issued for the Municipal Election to be held on Tuesday, November 6, 2007 for the purposes of voting for the offices of Mayor, City Council and School Committee.

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the Municipal Election and the State Referendum Election to be held on Tuesday, Nov. 6, 2007:

A. That the hours for acceptance of registrations in person only, prior to the Nov. 6th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, Oct. 17 through Nov. 5, 2007; and additional hours of 9:00am to 12 noon on Saturday, Nov. 3, 2007.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 4:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 7-0

FISCAL YEAR 2008 COMMITMENT OF WATER AND SEWER UTILITY FEES

VOTE (295-2007)

Motion by Councilor Jean, seconded by Councilor O'Brien:

In accordance with MRSA Title 38, Section 1208 and Title 35-A, Section 6111-A, all sewer and water rates, tolls, rents and other charges for Fiscal Year 2008, for each respective utility, are committed to the Finance Director/Treasurer of the City of Lewiston for collection in support of the appropriations for the Water Utility and Sewer Utility. Passed - Vote 7-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR WINNERS CIRCLE OFF TRACK BETTING

Mayor Gilbert opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (296-2007)

Motion by Councilor Mendros, seconded by Councilor O'Brien:

To authorize the City Clerk's Office to approve a new liquor license application for Winners Circle Off Track Betting, 4 Mollison Way. Passed - Vote 7-0

PUBLIC HEARING ON A LIQUOR LICENSE APPLICATION FOR SCHEMENGEES

Mayor Gilbert opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (297-2007)

Motion by Councilor O'Brien, seconded by Councilor Paradis:

To authorize the City Clerk's Office to approve a liquor license application for Schemengees, 551 Lincoln Street. Passed - Vote 7-0

**RELOCATION OF A PARCEL WITHIN THE LEWISTON PINE TREE
DEVELOPMENT ZONE AND APPROVAL OF DOWNEAST NETWORKS FOR
INCLUSION IN THE PINE TREE DEVELOPMENT ZONE**

Mayor Gilbert opened the hearing to receive citizen input and comment. Community Development Director James Andrews explained to the Council the reason for the requested relocation and answered questions from Councilors. Mayor Gilbert then closed the hearing.

VOTE (298-2007)

Motion by Councilor Samson, seconded by Councilor Jean:

Be It Hereby Resolved by the City Council, that the City of Lewiston agrees to remove .6 acres from the Lewiston Pine Tree Development Zone and to add .6 acres into the Lewiston Pine Tree Development Zone for 214 Russell Street; to approve the request from Downeast Networks to be included in the Lewiston Pine Tree Development Zone, and that the City Administrator be and is hereby authorized to make, execute and deliver related documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

**PUBLIC HEARING AND ESTABLISHMENT OF THE WESTERN GATEWAY
DEVELOPMENT DISTRICT DEVELOPMENT PROGRAM**

Mayor Gilbert opened the hearing to receive citizen input and comment. City Administrator James Bennett gave a brief introduction explaining the over all picture and how this will clear the way for the city to announce a three star hotel in this area.

Assistant to the City Administrator Lincoln Jeffers and Attorney Reagan Horney from Brann & Isaacson explained the need for this Development Program. Lincoln stated that Development Districts and their Development Programs are economic development tools that focus on and spur new investment in designated areas of the City. He continued along with Jim Bennett answering questions from Councilors about traffic concerns.

Charles Soule from 170 Bartlett Street asked the City Council to table this item until the new Council takes office.

Joseph Roy from 9 Venise Avenue asked for clarification concerning the boundaries in the Development District.

Jim Bennett explained that this is a vision and an outline on how the city could redevelop the area. The bottom line is that the City Council is in a race to locate a hotel in the twin cities.

Charles Soule asked if anyone on the City Council had any interest in investments, property or any monetary gain from this Development Program. James Bennett said it would be illegal for any of Councilors to benefit from this Program.

Mayor Gilbert then closed the hearing.

VOTE (299-2007)

Motion by Councilor O'Brien, seconded by Councilor Samson:

To move the question. Passed - Vote 7-0

VOTE (300-2007)

Motion by Councilor Samson, seconded by Councilor Jean:

To conduct a public hearing to receive citizen input and comment regarding the proposed Western Gateway Development District Development Program, to consider and adopt the proposed findings, to approve and adopt the proposed Western Gateway Development District Development Program, as presented, for the purpose of improving the health, safety and welfare for the City of Lewiston, and furthering the economic and community development goals of the City, and to authorize the City Administrator to make, execute and deliver such related documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

**RESOLUTION OF CONDEMNATION FOR THE PROPERTIES AT
6 AND 7 MILL STREET**

Jim Bennett stated that now the Western Gateway Development District Development Program received approval it allows the city to take action to clear Title on the properties at 6 and 7 Mill Street through Eminent Domain. The city took action to tax acquire these properties for nonpayment of property taxes and accrued interest.

VOTE (301-2007)

Motion by Councilor Samson, seconded by Councilor Jean:

To consider adopt the proposed findings and Resolution of Condemnation for the properties at 6 and 7 Mill Street, as further described in the metes and bounds description of the Resolution of Condemnation, and to authorize the City Administrator to make, execute and deliver such related documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 6-0-1 (Councilor Rousseau abstained)

**DISPOSITION OF PROPERTY AT 51 MIDDLE STREET AND
THE ACQUISITION OF 10 MILL STREET**

James Bennett gave a brief over view of the policy background. Lincoln Jeffers explained that every developer that has talked to the city concerning the Island Point Project site has expressed interest in the Central Maine Power Substation that is located at 10 Mill Street. The substation is the primary source of power for a significant portion of Lewiston. The substation is aging and needs to be expanded to better serve the citizens and businesses. The new location of the Substation needs to be within close proximity of the current location. The City owns 51 Middle Street.

Kenneth Frye, manager of real estate services of Central Maine Power, answered questions concerning the possibility of a walking path being built behind the property at 51 Middle Street.

Joseph Roy of 9 Vensie Avenue asked if the city would have to relocate any tenants due to the acquisition of 10 Mill Street. Jim Bennett stated that the only tenant was Central Maine Power.

Charles Soule of 170 Bartlett Street asked if Central Maine Power would be responsible for the complete clean up of the building before it is vacated. Lincoln answered that the building would be cleaned by Central Maine Power.

VOTE (302-2007)

Motion by Councilor Jean, seconded by Councilor Samson:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to execute the attached Purchase and Sale Agreement, substantially in the form as presented, that will result in the disposition in the currently city owned property at 51 Middle Street, to Central Maine Power Company, and the acquisition of 10 Mill Street, currently owned by Central Maine Power Company, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

**AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE
AUBURN-LEWISTON MUNICIPAL AIRPORT**

Auburn-Lewiston Airport Manager Rick Cloutier explained that the request for additional members was recommended in the Airport Master Plan that was presented to the council last fall.

VOTE (303-2007)

Motion by Councilor Mendros, seconded by Councilor Samson:

To approve an amendment to Article III of the Auburn-Lewiston Municipal Airport Interlocal Agreement to add two additional members to the Airport Board of Directors - one representative to be appointed from the Androscoggin Valley Council of Government and one representative to be appointed from the Lewiston Auburn Economic Growth Council. Passed - Vote 7-0

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH THE
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
(AFSCME COUNCIL #93) ON BEHALF OF THE LEWISTON
PROFESSIONAL TECHNICAL UNIT**

Mr. Bennett stated the contract is for three years and will expires in 2010. This contract is pretty consistent with the three other union contracts that have recently passed council vote. He said the contract includes a two point nine percent pay increase in year one, a two point five percent increase in year two and a three percent increase in year three. Mr. Bennett stated the contract implements the two tier health insurance, allows for the addition of a twenty-five year step in January of 2010 and fully funds the implementation of the new wage scale that was put into effect about four years ago.

VOTE (304-2007)

Motion by Councilor Samson, seconded by Councilor O'Brien:

To ratify the Collective Bargaining Agreement between the City of Lewiston and the American Federation of State, County and Municipal Employees (AFSCME Council #93) on behalf of the Lewiston Professional Technical Unit, said agreement being for the period of July 1, 2007 to June 30, 2010, and to authorize the City Administrator to sign the agreement on behalf of the City of Lewiston. Passed - Vote 7-0

RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH THE MAINE ASSOCIATION OF POLICE

City Administrator Bennett stated that this contract is the fifth of six contracts and the most challenging. There are some very common themes to the other contracts including the implementation of the two tier health insurance. The standards for law enforcement have changed significantly in the last ten years and it has become a very competitive environment. After a quick review of pay scales it was obvious that the city was nearly at the bottom. Mr. Bennett said this contract includes the phasing in of a new pay scale. Effective September 2007 the average work week will increase from thirty seven point three hours per week to thirty nine point sixty seven hours per week which reflects the now paid half hour lunch. Also included will be a one time cash bonus of \$150 for patrol officers and \$250 for detectives paid in February of 2008, pay increases in January 2009, July 2009 and January 2010.

VOTE (305-2007)

Motion by Councilor Samson, seconded by Councilor Jean:

To ratify the Collective Bargaining Agreement between the City of Lewiston and the Maine Association of Police, said agreement being for the period of July 1, 2007 to June 30, 2010, and to authorize the City Administrator to sign the agreement on behalf of the City of Lewiston. Passed - Vote 7-0

REPORTS AND UPDATES

No reports and updates were presented at this time.

OTHER BUSINESS

Charles Soule of 170 Bartlett Street inquired as to how and where voters can obtain absentee ballots? The deputy city clerk informed him that voters could call the city clerk's office or stop by the office anytime Monday through Friday between 8:00 am and 4:30 pm or on Saturday, November 3rd between the hours of 9:00 am and 12:00 pm to request one.

Joseph Roy of 9 Venise Avenue asked questions about the plexiglass, chairs and a fork truck for the Colisee that were approved in the budget in May of this year .

Douglass Foss of 29 Katie Avenue asked if the absentee voting schedule for the nursing homes could be rescheduled because he felt that there wasn't enough coverage in the local newspaper to inform the voters about the candidates running in this election.

James Bennett stated that because the election was in three weeks and the fact that the city clerk will be out of the office for the next four weeks it would be an added burden on the city clerk's office to reschedule but that staff would look into the possibility.

Joseph Roy, Councilor Samson and Councilor Rousseau all stated that it was the candidates responsibility to notify the voters that they running for election not the newspapers.

VOTE (306-2007)

Motion by Councilor Paradis, seconded by Councilor O'Brien:

To adjourn at 8:54 p.m. Passed - Vote 7-0

A true record, Attest:

Kelly J. Mercier, CMC
Deputy City Clerk
Lewiston, Maine